

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:08-CR-107
	)	(VARLAN/SHIRLEY)
RALPH O'NEAL, III,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case came before the Court on May 28, 2009, for a detention hearing, pursuant to the defendant's Motion for Detention Hearing and Bond Pending Trial [Doc. 121]. Assistant United States Attorney David P. Lewen was present for the government. The defendant represented himself with Steven G. Shope appearing as standby counsel.

The defendant asked that his detention hearing be reset so that his witnesses could be present. Due to the undersigned's assignment [Doc. 175] to this case on May 27, 2009, the detention hearing had to be moved from May 27 to May 28, 2009. The defendant informed the Court that several of his witnesses could not appear on the new day and time. The government did not object to resetting the detention hearing. The defendant also stated that he needed to subpoena several witnesses pursuant to Rule 17(b) of the Federal Rules of Criminal Procedure. In order to

allow time for this process, the parties agreed to reset the detention hearing to **June 24, 2009, at 1:30 p.m.** Attorney Shope will assist the defendant in preparing his subpoenas.

Upon the Court's inquiry, the defendant stated that he wanted to pursue a suppression motion [Doc. 18] filed by his former attorney. The parties agreed to hold the evidentiary hearing on this motion at the June 24 hearing. Finally, the Court inquired about the defendant's six recently-filed motions:

- (1) Motion Requesting Hearing in Compliance of 21 U.S.C. § 844a [Doc. 166],
- (2) Motion to Dismiss for Defendant Not Being Subject to the Jurisdiction Thereof [Doc. 167],
- (3) Petition for Hearing [Doc. 168],
- (4) Petition for Hearing [Doc. 169],
- (5) Motion in Response to Government's Response to Defendant's Motion to Dismiss or Forward to the Supreme Court [Doc. 170], and
- (6) Motion for Leave to Extend Motion Cut-off Date [Doc. 172].

The Court will hear these motions at the June 24 hearing as well. The government's responses to these motions are due on or before **June 15, 2009**. Finally, the defendant noted that he had recently filed an objection [Doc. 174] to a Report and Recommendation [Doc. 164], which recommended the denial of twelve motions because they were filed untimely. The defendant asked to hear these motions at the June 24 hearing, if the District Court declined to follow the recommendation to deny the motions and, instead, granted a hearing on the underlying motions.

Accordingly, it is **ORDERED** that at the motion hearing on **June 24, 2009, at 1:30 p.m.**, the Court will take up the detention issue [**Doc. 121**], the suppression motion [**Doc. 18**], the six pending late-filed motions [**Docs. 166, 167, 168, 169, 170, and 172**], and any other motions that the District Court directs the Court to hear.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge